Remarks:

Amendments to the claims:

Claims 10-16 are pending in this application. In this paper, claims 10 and 13 are amended, and claims 1-5 are canceled without prejudice to or disclaimer of the subject matter recited therein. Claim 10 is amended to be in independent form by incorporating the features of canceled claim 1 therein; and claim 13 is amended to correct a typographical error therein.

No new matter is added to the application by this Amendment. Support for the language added to claim 10 can be found within canceled claim 1 and in the specification at, for example, page 2, lines 30-33.

Entry of the amendments and reconsideration of the application are thus respectfully requested.

Regarding the rejection of claims 1-5 under 35 USC 102(e) as allegedly being anticipated by or, in the alternative, under 35 USC 103(a) as allegedly being unpatentable over U.S. Patent Publication No. 2003/0070692 to Smith (hereinafter simply "Smith"):

The Patent Office alleges that Smith teaches each of the features recited in claims 1-5. Applicants respectfully disagree.

In light of the cancelation of claims 1-5, this rejection is moot; accordingly applicants respectfully request withdrawal of this rejection to the claims.

Regarding the rejection of claims 1-5 under 35 USC 102(a) as allegedly being anticipated by or, in the alternative, under 35 USC 103(a) as allegedly being unpatentable over GB 2,371,307 to Cordellina et al. (hereinafter simply "GB 307"):

The Patent Office alleges that GB 307 teaches each of the features recited in claims 1-5. Applicants respectfully disagree.

In light of the cancelation of claims 1-5, this rejection is moot; applicants respectfully request withdrawal of this rejection to the claims.

Regarding the rejection of claims 10-16 under 35 USC 103(a) as allegedly being unpatentable over Smith in view of U.S. Patent No. 6,239,166 to Black (hereinafter simply "Black"):

The Applicants respectfully traverse the rejection of the foregoing claims in view of Smith and Black.

Prior to discussing the merits of the Examiner's position, the undersigned reminds the Examiner that the determination of obviousness under § 103(a) requires consideration of the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1 [148 USPQ 459] (1966): (1) the scope and content of the prior art; (2) the differences between the claims and the prior art; (3) the level of ordinary skill in the pertinent art; and (4) secondary considerations, if any, of nonobviousness. *McNeil-PPC, Inc. v. L. Perrigo Co.*, 337 F.3d 1362, 1368, 67 USPQ2d 1649, 1653 (Fed. Cir. 2003). There must be some suggestion, teaching, or motivation arising from what the prior art would have taught a person of ordinary skill in the field of the invention to make the proposed changes to the reference. *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988). But see also *KSR International Co. v. Teleflex Inc.*, 82 USPQ2D 1385 (U.S. 2007).

A methodology for the analysis of obviousness was set out in *In re Kotzab*, 217 F.3d 1365, 1369-70, 55 USPQ2d 1313, 1316-17 (Fed. Cir. 2000) A critical step in analyzing the patentability of claims pursuant to section 103(a) is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. Close adherence to this

methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher."

It must also be shown that one having ordinary skill in the art would reasonably have expected any proposed changes to a prior art reference would have been successful. *Amgen, Inc. v. Chugai Pharmaceutical Co.*, 927 F.2d 1200, 1207, 18 USPQ2d 1016, 1022 (Fed. Cir. 1991); In re O'Farrell, 853 F.2d 894, 903-04, 7 USPQ2d 1673, 1681 (Fed. Cir. 1988); *In re Clinton*, 527 F.2d 1226, 1228, 188 USPQ 365, 367 (CCPA 1976). "Both the suggestion and the expectation of success must be founded in the prior art, not in the applicant's disclosure." *In re Dow Chem. Co.*, 837 F.2d 469, 473, 5 USPQ2d 1529, 1531 (Fed. Cir. 1988).

The Patent Office acknowledges in pages 3 and 4 of the Office Action that Smith fail to teach or suggest a carpet cleaning composition that contains a silicone glycol copolymer or a fluorosurfactant as required in claims 10-16. Additionally, the Patent Office introduces Black as allegedly teaching a composition that contains a super wetting surfactant, such as silicone glycol copolymer and a fluorinated anionic surfactant, which enhances the composition by uniformly distributing the other components over the surfaces of the carpet without forming any sticky deposits. Moreover, the Patent Office alleges that one having ordinary skill in the art would be motivated to modify Smith by using a super wetting surfactant as taught by Black because one would expect that the use of a super wetting surfactant, such as a silicone glycol copolymer and a fluorinated anionic surfactant, as taught by Black, would be similarly useful and applicable to the analogous carpet cleaning composition and process of using the carpet cleaning composition taught by Smith Applicants respectfully disagree with the allegations of the Patent Office.

As acknowledged by the Patent Office, Smith do not teach or suggest a 'super wetting agent' as required in the compositions which are used in the claimed methods. Additionally, Smith fail to recognize that the inclusion of a super wetting agent with the preferred surfactants provide a useful benefit in the cleaning treatment of a soiled carpet as set forth in the present application.

Smith do not disclose a carpet cleaning composition which is packaged in liquid form and encased in a water soluble polymer as required in claim 10. A speed of dissolution of the carpet cleaning composition, an amount of time in which the carpet cleaning composition works effectively and the carpet cleaning composition's suitability for use with a carpet cleaning machine is indicative of the packaged form of the carpet cleaning composition. A carpet cleaning machine has a water reservoir into which the claimed liquid carpet cleaning composition encased in the water soluble polymer may be placed so that the liquid carpet cleaning composition may dissipate quickly to produce a cleaning formulation which may be applied to a carpet. Applicants submit that the solid composition of Smith is not suitable in such an application with a carpet cleaning machine due to problems which would be incurred with effectively dissolving a solid formulation as taught by Smith

Black teaches an *aqueous* pesticide composition for killing dust mites and method for using the same. The aqueous composition of Black is not capable of being encased in the claimed water soluble polymer as the claimed liquid carpet cleaning composition because the aqueous composition of Black has a large water content that would dissolve the water soluble polymer before the aqueous composition of Black could effectively be applied to a carpet.

Applicants submit that such a combination of Smith with Black as alleged by the Patent Office would not be made because the large water content of the Black composition. Applicants also submit that even if the combination of Smith with Black were somehow made by one ordinarily skilled in the art, such a combination would never

lead to the claimed liquid carpet cleaning composition because of the large water content of the Black composition.

In the described and exemplified compositions of Black, the inferred water content of the aqueous compositions is far too high to incorporate and encase the Black composition within a water soluble polymer. Specifically, Black teaches, for example, an aqueous composition having a water content greater than 82% water (see claim 1 of Black), a water content of 97.9% water (see col. 3, lines 20-25 of Black), and a water content of 95% water (see col. 3, lines 30-38 of Black). These water contents for the aqueous compositions of Black are too high to package such aqueous compositions in a water soluble polymer. Moreover, such high water contents of the aqueous compositions of Black would strongly deter one ordinarily skilled in the art from modifying Smith with Black to achieve the method as recited in claim 10.

Moreover, even if Smith were combined with Black, the resulting cleaning composition would simply dissolve a water soluble polymer before the water soluble polymer could encase the cleaning composition because the high water content of such a cleaning composition would dissolve the water soluble polymer. The Patent Office must consider the teachings of Black in their entirety including the aqueous composition having a very high water content that would result in the claimed water soluble polymer being totally inoperable for encasing the Black composition.

Thus, neither Smith nor Black, taken singly or in combination, teaches or suggests a step of adding to the reservoir of a carpet cleaning machine a water soluble product comprising a liquid carpet cleaning composition which includes a super wetting agent encased in a water soluble polymer, wherein the liquid carpet cleaning composition encased in the water soluble polymer comprises at least one super wetting agent selected from silicone glycol copolymers and fluorosurfactants present in an amount of from 0.1 to 10% w/w, wherein a free water content of the liquid carpet cleaning composition is less than 5% as required

by amended claim 10.

Because these features of independent claim 10 are not taught or suggested by Smith and Black, taken singly or in combination, Smith and Black would not have rendered the features of claim 10 obvious to one of ordinary skill in the art.

In view of the foregoing, reconsideration and withdrawal of this rejection are respectfully requested.

Regarding the rejection of claims 10-16 under 35 USC 103(a) as allegedly being unpatentable over GB 307 in view of Black.:

The Applicants respectfully traverse the rejection of the foregoing claims in view of GB 307 and Black.

For the same reasons as discussed above regarding the combination of Smith and Black, Applicants submit that a *prima facie* case of obviousness cannot be established because the skilled artisan would not be motivated to apply the teachings of Black to modify GB 307 to achieve the presently claimed invention. Though Applicants do not concede that a combination of GB 307 and Black teaches the limitations of the presently claimed invention, even if such was the case, the skilled artisan would not be motivated to combine these teachings.

As acknowledged by the Patent Office, GB 307 do not teach or suggest a detergent composition that contains a supper wetting agent such as a silicone glycol copolymer or a fluorosurfactant as required in claims 10-16 (see page 5 of the Office Action).

Applicants submit that such a combination of GB 307 and Black as alleged by the Patent Office would not be made because the large water content of the Black composition. Applicants also submit that even if the combination of Smith with

Black were somehow made by one ordinarily skilled in the art, such a combination would never lead to the claim liquid carpet cleaning composition because of the large water content of the Black composition. Clearly, the high water contents of the aqueous compositions of Black would strongly deter one ordinarily skilled in the art from modifying GB 307 with Black to achieve the method as recited in claim 10.

Thus, neither GB 307 nor Black, taken singly or in combination, teaches or suggests a step of adding to the reservoir of a carpet cleaning machine a water soluble product comprising a liquid carpet cleaning composition which includes a super wetting agent encased in a water soluble polymer, wherein the liquid carpet cleaning composition encased in the water soluble polymer comprises at least one super wetting agent selected from silicone glycol copolymers and fluorosurfactants present in an amount of from 0.1 to 10% w/w, wherein a free water content of the liquid carpet cleaning composition is less than 5% as required by amended claim 10.

Because these features of independent claim 10 are not taught or suggested by GB 307 and Black, taken singly or in combination, GB 307 and Black would not have rendered the features of claim 10 obvious to one of ordinary skill in the art.

In view of the foregoing, reconsideration and withdrawal of this rejection are respectfully requested.

Should the Examiner in charge of this application believe that telephonic communication with the undersigned would meaningfully advance the prosecution of this application, they are invited to call the undersigned at their earliest convenience. The early issuance of a *Notice of Allowability* is solicited.

PETITION FOR A THREE-MONTH EXTENSION OF TIME

Applicants respectfully petition for a three-month extension of time in order to permit for the timely entry of this response, and filing of the accompanying *Request for Continued Examination*. The Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-1263 with respect to this petition.

CONDITIONAL AUTHORIZATION FOR FEES

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263.

Respectfully Submitted;

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CERTIFICATION OF TELEFAX TRANSMISSION:

I hereby certify that this paper is being telefax transmitted to the US Patent and Trademark Office to telefax number: 571 273-8300 on the date shown below:

Allyson Ross — Date: 28 May 2008

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